

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nicole Bradley on April 28, 2009.

The application has been amended as follows:

In the claims:

Claims 22-25,27-33, and 33-46 have been canceled.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: In a Declaration under 37 CFR § 1.132, submitted by Zhi-Jian Yu, PhD, Applicant presented

Art Unit: 1616

data which contains the results of comparative experiments conducted as described on pages 21 - 25 of the instant specification. Said data shows that poly(oxypropylene)-poly(oxyethylene) block copolymer surfactants (i.e. POP-POE) have greater antimicrobial efficacy when combined with cetylpyridinium chloride (i.e.,CPC) than with other surfactants. Specifically, the data shows that Pluronic F87 and Tetronic 904 (PPO-PEO surfactants) cause no noticeable loss in the antimicrobial activity of CPC at the tested concentration. Further, Pluronic F87 and Tetronic 904 enhanced the activity against *C albicans* 10231 when compared with no surfactant in solution. In contrast, the data shows that TPGS, Tween 80 and Cremophor-40, which are non-PPO-PEO surfactants, caused almost total loss in antibacterial efficacy (see pages 1-10 of the Rule 132 Affidavit filed on May 30, 2009).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 1,2,4-13, and 21, renumbered as claims 1-13 are allowed.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

Art Unit: 1616

PAIR. Status information for unpublished applications is available through Private PAIR Only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Courtney Brown, whose telephone number is 571-270-3284. The examiner can normally be reached on Monday-Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Courtney A. Brown
Patent Examiner
Technology Center 1600
Group Art Unit 1616

/Johann R. Richter/
Supervisory Patent Examiner, Art Unit 1616